

NAME Picado Talavera Pedro Pablo

PRISON NUMBER

A# 

PLACE OF CONFINEMENT

Imperial Regional Detention Facility

ADDRESS

1572 Gateway Road
Calexico, CA 92231

United States District Court
Southern District Of California

FILED
APR 30 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY UW DEPUTY

Picado Talavera Pedro Pablo
(FULL NAME OF PETITIONER)

Petitioner

v.

Warden Jeremy Casey

(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)

Respondent

and

The Attorney General of the State of
California, Additional Respondent.

Civil No. '26CV2744 BJC GC

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. Are you currently:

- A pretrial detainee (waiting for trial on criminal charges)
- Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: _____

(b) Docket or case number (if you know): _____

(c) Date of sentencing: _____

Being held on immigration charge

Other (explain): _____

101-108-100

101-108-100

2. Are you currently being held on orders by:

Federal authorities State authorities Other - explain: Department of Homeland Security (DHS)

3. What are you challenging in this petition:

- How your sentence is being carried out, calculated, or credited by prison or parole authorities
- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed
- Disciplinary proceedings
- Other (specify): _____

4. Provide more information about the decision or action you are challenging:

- (a) Name and location of the court or agency: Immigration and Customs Enforcement (ICE)
- (b) Case number, docket number or opinion number (if you know): A# [REDACTED]
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Immigration and Customs Enforcement (ICE) decision to detain me, ICE's Custody Review
- (d) Date of the decision or action: March 9, 2026

5. Did you appeal the decision, file a grievance or seek an administrative remedy?

Yes No

(a) If your answer to 5 was "Yes," give the following information:

- (1) Name of court, agency or authority: _____
- (2) Date of filing: _____
- (3) Case number, docket number or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____
- _____
- _____
- _____

(b) If your answer to 5 was "No," explain why you did not appeal: _____

6. After the first appeal, did you file a **second appeal** to a higher authority, court or agency?

Yes No

(a) If your answer to 6 was "Yes," give the following information:

- (1) Name of court, agency or authority: _____

- (2) Date of filing: _____
- (3) Case number, docket number or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If your answer to 6 was "No," explain why you did not appeal: _____

7. After the second appeal, did you file a **third appeal** to a higher authority, agency or court?

Yes No

(a) If your answer to 7 was "Yes," give the following information:

- (1) Name of court, agency or authority: _____

- (2) Date of filing: _____
- (3) Case number, docket number or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If your answer to 7 was "No," explain why you did not appeal: _____

8. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should *raise in this petition all available grounds* on which you base your allegations that you are being held in custody unlawfully.

GROUND ONE: Jurisdiction and Venue of Petitioner

(a) Supporting FACTS (state *briefly* without citing cases or law) This court has jurisdiction under 28 U.S.C. 2241 because petitioner is in custody under the authority of the United States, and challenges the legality of continued detention. Venue is proper in the Southern District of California, where petitioner is detained.

Petitioner, Dicado Talavera Pedro Pablo
~~(A# [REDACTED])~~ is currently detained by the U.S. Immigration and Customs Enforcement (ICE) at Imperial Regional detention facility, 1572 Gateway Road, Calexico CA 92231.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: Legal claims (Statement of facts)

(a) Supporting FACTS (state briefly without citing cases or law): Petitioner claims he was improperly re-detained after he was released into the United States. Petitioner presented himself at the United States border in 2022. He filed an application for Asylum. DHS placed him on the Non-detained docket and permitted him to live at liberty in the United States, while his case proceeded before the immigration Court, petitioner complied with all the requirements imposed upon him by DHS, Nonetheless ICE abruptly re-detained him without notice, any intervening custody determination and without any meaningful opportunity to be heard. There was no change in circumstances that precipitated this change in custody status, petitioner seeks immediate release or a bond hearing. Petitioner was apprehended at the border upon arrival, so he is subject to mandatory detention under section 1225(b). Individuals released from custody, even where such release is conditional have a liberty interest in continued liberty parolees - pre-parolees probationers.

Once the non-citizen has been released, the law prohibits federal agents from rearresting him merely because he is subject to removal proceedings. Petitioner was paroled into the United States over four years ago, he is now subject to discretionary release rather than mandatory detention.

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: I am not a flight Risk nor a danger to the Community.

(a) **Supporting FACTS** (state briefly without citing cases or law): petitioner
release from (ICE) custody after his initial apprehension
reflected a determination by the government that he was
neither a flight risk nor a danger to the Community
and petitioner has a strong interest in remaining at
liberty unless he no longer needs the criteria. The regula-
tions authorizing (ICE) to release a noncitizen from custody
require that the non citizen demonstrate to the satisfaction
of the officer, that such release would not pose a danger
to property or persons and that the non citizen is likely to
appear for any future proceedings". Release therefore reflects,
a determination by the government that the non citizen is
not a danger to the Community or a flight risk.

Petitioner was apprehended by (ICE) officers when he
crossed the border into the United States. ICE then released him on
her own recognizance. As (ICE) was not authorized to
release petitioner if she was a danger to the Community or flight
risk, the Court must kindly infer from the release that (ICE)
determined she was neither. petitioner release from (ICE) (which
constituted an "implied promise" that his liberty would not be
revoked unless she failed to live up to the conditions of her
release.

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

GROUND FOUR: Violation of the Due Process Clause of the fifth Amendment

(a) **Supporting FACTS** (state *briefly* without citing cases or law): Petitioner
argues that his re-detention and the manner in which it was carried out violates the Due process Clause of the fifth Amendment. Petitioner argues that his re-detention violates procedural due process because he was not given any notice and an opportunity to be heard when he was re-detained in February 2026. The Due process Clause of the fifth amendment prohibits the government from depriving individuals of their life, liberty or property without due process of law. The due process applies to all persons within the United States, including aliens whether their presence is lawful, unlawful, temporary or permanent, freedom from imprisonment from government custody, detention or other forms of physical restraint.

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

9. If any of the grounds listed in 4A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not presented, and give your reasons for not presenting them;

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?
 Yes No

11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding _____

(b) On appeal from any adverse ruling in a post-conviction proceeding _____

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

April 27, 2026
(DATE)


SIGNATURE OF PETITIONER